

**PLANNING BOARD MEETING MINUTES
TUESDAY, JUNE 20, 2006**

MEMBERS PRESENT: Jay Cruz, Chair
John DiPasquale
Paul Fontaine, Jr.
Mike Hurley
Yvette Cooks (associate member)
Nancy Maynard

MEMBERS ABSENT: Paula Caron, Vice-Chair
Linda Nicholopoulos

PLANNING OFFICE: David Streb, Mike O'Hara

Call to Order

Meeting called to order at 6:04 p.m. in the Veteran's Room, First Floor, City Hall.

Communications

Memo from City Clerk noting that Mr. Cruz & Ms. Maynard reappointed to Board.

Meeting Minutes

Motion made and seconded to approve minutes of the June 6th meeting. Vote unanimous to approve.

ANR plans

Tully, Shattuck Road

Postponed to July 18 at written request of applicant's attorney

The Board reviewed and endorsed the following "ANR" plans:

Brandt, 471 Mechanic Street

Plan had been revised since initial submission to show that new lot is a "rear lot" and that existing driveway to 471 Mechanic Street is to be relocated, not across the frontage for the rear lot.

Old Princeton Rd., No. 1 Mill Warehouse, LLC

Triangular vacant parcel split into two conforming RB lots. Site is subject of Special Permit application for two 3-family dwellings, later in meeting.

Williams, Pearl Hill Rd.

Mr. Williams present Revision of 2002 plan. Resubdivision of two parcels, one at 1323 Pearl Hill Road (his dwelling) and adjacent vacant parcel.

Little, Acadia Ave. / Lunenburg St.

Resubdivision of 3 parcels in same ownership & on same deed. House lots at 8 & 11 Acadia Ave. get slightly smaller (but still conforming lots); adjacent trailer park parcel gets slightly larger.

Summit Street, Roclyn Realty Trust

Existing dwelling house at 67 Summit St. to be split off (6,000 sq. ft. lot) to separate from remaining 12,000 sq. ft. lot for proposed auto storage building.

Old South St., St. Anthony Street Extension, Old South Development Trust

1,363 sq. ft. lot portion of Lot 20 in "South Street Crossing" subdivision to be split off and incorporated into abutting lot at 500 Old South Street.

City of Fitchburg, Westminster St., Princeton Rd.

Three separate plans showing split of "steam line trail" parcel to be dedicated by City of Fitchburg for park purposes. Also, the Board voted to waive the \$80 filing fee for the three ANR Steamline plans

PUBLIC HEARINGS

Special Permit - Lemay, King St. (rear 15 Frankfort St.), infill lot (single-family dwelling)

Mr. Cruz announced that he was going to take this item out of order to accommodate comments from several City Councilors who have a meeting later.

Public hearing opened. Atty. James Van Buren presented an application for a single-family home.

A variance was granted with conditions by the Zoning Board of Appeals by a 4-1 vote. This was at a point in time when there were two adjoining 5,000 sq. ft. lots. The ZBA voted to approve a 5,000+ sq. ft. lot with an existing 3-family structure, thus recreating the two lots. At the ZBA hearing there was a representation that Sgt. LeMay would live in the house. However, after the meeting, the ZBA included as a condition that the applicant must live there for five years, so they changed the footprint. Sgt. LeMay has a petition signed by three of the four abutters and 17 neighbors in favor of the application.

Public Comment:

Norman Boisvert, Ward 2 Councillor said he was called by an abutter Mr. Costa and said that he and Mr. Costa are opposed to the house. It will encroach on his property and lower its value. Said it doesn't fit in neighborhood.

Mr. Costa, 120 King St. -The retaining wall to the rear makes the infill lot effectively smaller. Also, the applicant has to take out a sidewalk for parking, which will affect drainage to his property.

Deborah Lesourca, 120 King St. - (tenant in Mr. Costa's dwelling) – If the minimum lot size is 10,000 sq. ft, why would the ZBA allow it to be made into two lots. It will make the parking and snow removal worse. It will also affect the driveway of Mr. Costa.

Mr. LeMay said the picture of the house is as close as he could find. The architect is in Kansas and couldn't get him a plan, but it will look like the other houses in the neighborhood.

Steve DiNatale, Councillor at Large – respects an individual's property rights, but hopes the Board takes the concern of the abutters into their decision and their quality of life issues.

Atty. Van Buren says that the lot wasn't ever built on and is flat. It has probably been used by abutters over the years.

Mr. Costa says his house is five feet from the property line.

Mr. Fontaine recommended that Mr. LeMay talk to the abutters to sell a portion of the abutting land, and get an engineering plan that shows exactly how far his house is from the property line.

Ms. Cooks – Is it possible that you could come back with something else regarding the appearance of the house?

Mr. Costa said he will be out of the country July 18th. Atty. Van Buren said he'll get him a copy of the plan for rendition, and whether he was able to buy land from the abutters.

Hearing continued to July 18th.

Special Permit renewal - Bay Communications, Wanoosnoc Rd. wireless communication tower (cont'd from 5-16-06)

Atty. Pare & Carey Diehl, Bay Communications present.

Atty. Pare referenced 5-16-06 letter from DPW Commissioner Meunier re: deficiencies at Wanoosnoc Road. He asked Carey Diehl to address the deficiencies.

Temporary plates are in place because City Engineering stopped them from removing the plates.

Also, 11/18/04 report from Bay Communications Engineering report that the bridge is okay.

Lastly, on the concern about low area where flooding occurs. He handed out the affidavits saying that the area was always flooded. To this point, nothing Bay has done is deficient.

They're willing to repair what Bay Communications is responsible for.

Mr. Fontaine asked if he's seen the engineering report stating that there were deficiencies at the site. He surmised that the Board was expecting a new bridge.

Atty. Pare: Nextel pulled out because the cost for a new bridge was excessive. He said that they assert that there is no danger to the bridge.

Mr. Fontaine – why don't we get a third party engineer to determine if the bridge is damaged.

Mr. Hurley – I'd like to find out why Engineering asked you not to remove the plate.

Mr. Cruz – We'll get information from Engineering re why the plates couldn't be removed.

Keith Dooling – says that Engineering said that they were waiting for engineered drawings on how to repair the bridge. He said there were trucks there Sunday.

Atty. Pare – DPW may be expecting plans, but there are no plans forthcoming. They agree that they will correct any problems that Bay Communication causes, but they say there are no problems.

Steve Holt, Olin Ave. – The pooling of the water is much worse since the antenna first went up. The plate has been in place for 18 months to protect the culvert from further damage. How can we determine how to assess the weight the culvert can handle? He asks Bay Communication rebuild the bridge up to spec.

Mr. Cruz – we will ask the engineers what weight restriction should be on the bridge.

Keith Dooling – says he also has pictures that show heavy cranes crossing bridge.

David Streb – while it is customary to refer to our Engineering Department staff as “engineers” but in fact they are not P.E.s and we can't get an engineering analysis.

Mr. Fontaine – while our engineers may not be engineers, they still could determine whether damage was done by heavy equipment.

David Streb – as memory serves, there was an engineering study done by Mark Giangiacomo.

Carey Diehl also recalls a study, but says they didn't pay for it.

Hearing continued to July 18th.

Special Permit - “Woodland Estates” mobile home park expansion, 1341 Rindge Rd.

Members present & eligible to vote: Cruz, DiPasquale, Fontaine, Hurley, Cooks (associate member) (5)
Applicant Joanne Hamberg & Chris Deloge of Whitman & Bingham and Atty. Mark Bodanza present.

Atty. Bodanza – we added lot lease lines to plan and will address drainage peer review comments from Vollmer Assocs.

Chris Deloge – said he has no opposition to any issues raised in the peer review. He will address them and revise the plans.

Mr. Fontaine – didn't I ask if we could look at widening one portion of the road?

Chris Deloge – wants to keep that portion one-way. Paul said he'd like to see it at least 14 feet wide.

Mr. Fontaine – would like skirting on every unit to be a mandatory condition.

Ms. Hamberg – fine. All new ones will be insulated skirts. The “lots” are all close to 5,000 sq. ft., and each structure is 20 feet apart – much better than other mobile home parks.

Mike O'Hara – Conservation Commission hearing opened last month. Site walk last week. Concerns raised about fill at bottom of a slope and possible area of wetlands to the north between two ridges. The Notice of Intent public hearing had been continued until Tuesday June 27.

Ms. Cooks asked about who will pay for utilities. Ms. Hamberg said she'll pay for installation of E-1 pumps for each unit, and installation of gas and water. Individual unit owners will be paying for actual water, etc. used.

Public comment:

Michael McLaughlin – He is not speaking on behalf of the ZBA. He wants to reiterate that mobile homes are not allowed in any zoning district. This proposal is to expand a use that is not allowed. He hopes the Board follows the law.

Dave Nickless, 699 Arn-How Farm Road - He is concerned about all the sewers in northern Fitchburg being routed through the school pump station; if it fails we'll have a heck of a mess.

Mr. Cruz – Did you consider extending sewer down Rindge Road?

Chris Deloge – yes, it's a wash, but water and gas are coming from JCJ, so it makes more sense to go thru trailer park.

Ms. Maynard – expressed concern about typing into the high school pump station.

Chris Deloge – The state is heavily scrutinizing the sewer pump station design.

Ms. Maynard – if mobile homes are illegal, why are we hearing this?

Atty. Bodanza – the PUD section allows the Board that flexibility, plus the use is currently already there.

Mr. Cruz – How does the Planning Board feel about a bond? Are there issues off site that need to be addressed?

Mike McLaughlin – maybe the Board should request a determination from the City Solicitor that this application can be heard, as he feels it is not an allowed use. He feels that this particular case warrants a legal decision.

Mr. Cruz – he talked to Mike Gallant and he felt it was within the Planning Board's power to consider the application.

Mike McLaughlin – should get opinion from City's attorney, not a building commissioner.

Mike O'Hara – but to be fair, the Building Commissioner is the zoning interpreter.

Atty. Bodanza – there's already a process in place, to appeal to ZBA, if you disagree with a building commissioner's decision.

Ron Deschamps, 1307 Rindge Rd. – don't abutters have rights? Isn't there some sort of rules about how far apart homes have to be?

Mr. Fontaine – if we cluster houses together, it's better for the environment.

Ron Deschamps – has concerns with detention pond – did we exceed a 100-year storm recently?

Chris Deloge – No, a 25-year storm.

Mike O'Hara asked about ownership of units.

Chris Deloge – everything outside the lease lines line is jointly owned by the association. Within lease lines is exclusively used by the owner.

Existing access road will be repaved and widened.

Ron Deschamps, 1307 Rindge Rd. – Will there be more runoff from the site?

Chris Deloge – no.

John Hessian, 51 Bennett Road – will the pipes coming up Rindge Road be paid by the developer? Yes. Will the building be sold to owners but the land commonly owned? Yes.

Dave Nickless asked if the Board would postpone the decision until we get a written response from Mike Gallant, or a refusal to provide one.

The public hearing closed at 8:20 p.m.

Mike O'Hara – last month Nancy wasn't here and she can't vote. Linda's not here this month, so 5 of 5 would have to vote "yes" to pass.

David Streb – wouldn't it be more appropriate to wait until the plan is revised and Vollmer reviews the Whitman & Bingham response and their review?

Motion made by Mr. Fontaine, seconded by Mr. DiPasquale to approve Special Permit subject to applicant's engineer satisfactorily addressing review comments by Vollmer, submittal & approval of landscaping plan, appropriate lighting, restriction placed that project is for persons over 55 only. Letter from Mike Gallant that this is possible as a PUD, exterior skirting of units, granite curbs required at the roundings.

Vote to Approve Special Permit 5-0 in favor. No performance bond req'd.

Site Plan Review - 558-562 Mechanic St., A. J. Wornham, repair garage

Jim Boardman of David E. Ross Associates presented plan. 6,700 sq. ft. building – two employees – two access points off Rindge Road. ZBA has granted a Special Permit for its use.

Mr. Fontaine: don't you have something that looks a little better. First four feet from ground are brown-faced block.

Ms. Maynard also mentioned the need for improved aesthetics.

Mr. Cruz also feels it's critical to have an attractive building at that location.

No public comment. Hearing continued to July 18th. Want improved facade design.

Ms. Maynard suggests they call Ellen DiGeronimo at FRA or the city's facade architect for the sign & facade program.

MINOR SITE PLAN REVIEW

46 Duck Mill Road, R. O. U. Construction

Alfredo Garcia of R.O.U. presented plan. ZBA had granted special permit.

He's going to transfer all his equipment from the small parcel to the big parcel. No unregistered vehicles.

Motion made & seconded to approve Minor site plan for 46 Duck Mill approved, subject to adding striped parking for employee parking and other parking. Also put dumpster behind building.

Vote unanimous to approve.

Special Permit - James Manor Rest Home expansion, 222 South St. (cont'd from 5-16-06)

Members present & eligible to vote: Cruz, DiPasquale, Fontaine, Hurley, Cooks (associate member) (5)

Hearing re-opened.

Atty. Steven DiPace representing abutter to right, Mrs. Simoneau appreciated Board shifting order of agenda so he could be present.

Atty. David Bodanza and owner Donald Demarais presented proposal. Atty. Bodanza stated the owner needs to expand rest home in order to make needed improvements to site.

Mr. Demarais has been operating rest homes for over 20 years. This is the last rest home in the city.

Nursing homes provide level 1, 2 and 3 care. Rest homes provide level 4 care. They are licensed by the Department of Public Health. There is an important community need served by this facility. He plans to expand from 28 to 35 beds. That makes the project economically feasible.

Atty. DiPace stated he was told by Building Commissioner Michael Gallant that the matter was properly before this Board.

Atty. DiPace – Atty. Bodanza did not address the specifics of the Special Permit requirements.

Atty. Bodanza – Sec. 181.932 references the social, economic and community needs, and he says their project addresses that. As regards traffic, very few residents have cars and there won't be additional cars and visitors are infrequent. Deliveries won't change.

Mr. Fontaine – what about employees? You have 12 employees and you have six spaces.

Response: there are just 3-4 employees per shift.

Mr. Fontaine – what happened with improving the appearance of the roof line?

Mr. Demarais – is anyone here an architect? We asked the architect to design something pleasing and this is what he came up with.

It was pointed out that only five Planning Board members can vote on this item. All 5 would have to vote in favor for Special Permit to be approved.

Public Comment:

Michelle Hammond – 210 South Street - cars park in her back yard all the time.

Mrs. Simoneau, 232 South St. - rest home not the same as it used to be. Some residents have cars.

Ms. Defina, 63 Marion Street. People park in the street; also one of the residents has a car. Applicant can't say there won't be more traffic.

Bill Jensen, 19 Marion Street – Residents knock on his door looking for a ride.

Public Hearing closed.

Mr. Fontaine commented on the appearance of the building and the parking. They are still issues.

Mr. Cruz – has same issues; feels the parking is not sufficient.

Ms. Cooks – wishes subjective opinions made it into the minutes. She's concerned about the elderly and supports the seven additional units. It's important to meet the needs of the elderly. If considering what is in best interest of City of Fitchburg, she would support more units for elderly over improving the appearance of the building. Still need to take care of parking.

Mr. Hurley – not a good fit for the neighborhood. Something needs to be done about the parking, but what can be done?

Motion made (Mr. Fontaine) & seconded (Mr. Hurley) to Deny Special Permit. Vote 4-1 in favor of denial. There was some confusion over procedure -- whether or not this vote constituted a denial.

Motion made (Mr. Fontaine) & seconded (Ms. Cooks) to *Approve* Special Permit. Vote 1-4 in favor of motion. Since not 5 votes to approve, Special Permit was denied.

Site Plan Review - Summit Street, Lastella

Sean Pepper, Poulin Construction presented plan. Cold storage facility 60' x 100', matches exactly the other three buildings. Building to be used for auto storage. No utilities to the building. Public hearing closed at 9:52 p.m.

Motion made & seconded to approve Site Plan, subject to providing landscaping in front. Vote unanimous to approve.

At 9:45 p.m. Mr. Cruz stated that due to the late hour the following items would have to be postponed to the July 18th meeting:

Special Permit modification - Cox, 301 South St.

Special Permit - Achla, Williams Rd.

The items would be placed first on the July 18 agenda.

Special Permit - No. 1 Mill Warehouse, LLC, Old Princeton Rd. two 3-unit condos

Frank Preston of Whitman & Bingham briefly presented plan. Earlier an ANR plan splitting the parcel had been approved. On each, they are proposing 3-unit townhouse condominium.

Public Comment:

Kathy McCloskey, 324 Fifth Mass Turnpike – is concerned about number of units. They will have garage under.

Hearing continued to July 18th.

OTHER BUSINESS

Arden Mills - proposed modification

Board reviewed plan showing of proposed relocation of last two building in Arden Mills project. Proposed to be moved 186 feet and 170 feet respectively. Parking and roadway will have to move as well. Parking can't be within the powerline easement. Board determined that it was a minor modification that did not require another public hearing.

Frank Woods of Habitat for Humanity submitted revised architectural elevations and floor plans for infill lot on Essex Street, as discussed at June 6th meeting. Motion made & seconded to approve the revised floor plans and elevations. Vote unanimous.

Meeting adjourned: 10:05 p.m.

Next meeting: July 18, 2006

Approved: July 18, 2006